

CASE STUDY

A CALL FOR NUANCED, CONTEXTUALISED
AND COORDINATED RESPONSES TO COMPLEX
MANIFESTATIONS OF SEXUAL EXPLOITATION
OF CHILDREN IN HUMANITARIAN CONTEXTS

Kenya



Acknowledgements

ECPAT International would like to thank all the persons involved in this research.

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Special thanks go to individuals and organisations who contributed their knowledge and expertise in this work, as part of the Expert Advisory Group, and in particular Mark Canavera, former Co-Director of the Care and Protection of Children (CPC) Learning Network; Katherine Gambir (Senior Researcher, Gender Equality & Inclusion -Women's Refugee Commission); Camilla Jones (Deputy Director, Alliance for Child Protection in Humanitarian Action); Clea Kahn (International Institute of Social Studies, ListenH Project); Fassil W. Marriam Kidane (Executive Director, Children's Rights and Violence Prevention Fund - CRVPF); Faith K. Nimineh (Senior Advisor, Humanitarian Affairs – ChildFund Alliance); Dashakti Reddy (Senior Humanitarian Advisor – SGBV, Save the Children); Blerta Spahiu (Head of Child Protection Sector, Terre des hommes Foundation); Cornelius Williams (Global Child Protection Expert).

The opinions expressed in this work are the sole responsibility of ECPAT International and do not necessarily reflect the position of the experts engaged in the advisory group.

ECPAT International acknowledges the core funding support for its overall organisational objectives from the Swedish International Development Cooperation Agency (Sida) and Oak Foundation. The opinions expressed in this document belong solely to ECPAT International. Support from these donors does not constitute endorsement of the views expressed.

Designed by: Manida Naebklang

Edited by: Zahra Beg with support from Francesca Donelli

Suggested citation: ECPAT International. (2024) *A Call for Nuanced, Contextualised and Coordinated Responses to Complex Manifestations of Sexual Exploitation of Children in Humanitarian Contexts*. Case Study: Kenya. Bangkok: ECPAT International.

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Published by:

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Introduction

Globally, children suffer various forms of violence that can have long-term consequences, and data from 2016 estimated that one billion children aged 2-17 years had experienced physical, sexual or emotional violence, including sexual exploitation and abuse in the past year.¹ Sexual violence affects children in all settings around the globe – no matter their gender, ethnicity, class, religion, educational level, or geographic location.² With the advent of information and communication technologies, opportunities to sexually exploit children have been further increased.

The numerous global challenges of armed conflicts,³ mass displacement and migration,⁴ climate change and the insufficient measures to address their root causes and drivers such as deepening economic inequalities, structural and systematic discrimination, harmful social norms, and a general lack of impunity for the perpetrators continue to exacerbate the conditions that further expose children to sexual violence and exploitation.⁵ Children in these crisis contexts with overlapping marginalised identities, such as gender, disability, refugee status, and religious and ethnic minorities face heightened risks and barriers to accessing care.

To gain a deeper understanding of the dynamics and manifestations of child sexual exploitation in humanitarian settings, ECPAT International commissioned a global and multi-country research study. Three country contexts have been selected as case studies to further understand these dynamics: (1) Ethiopia and the internally displaced population from Northern Ethiopia; (2) Kenya and the refugee communities in Nairobi and Kakuma Refugee Camp; and (3) the Kurdistan region of Iraq and the internally displaced people and refugee communities.

This case study presents the various manifestations of child sexual exploitation identified in Kenya including the drivers leading to child sexual exploitation and the ways that organisations, communities, and children respond. It should be read in conjunction with the [global report](#) which documents the common perceptions, narratives, biases, norms and beliefs associated with child sexual exploitation in the context of a crisis; the current framings and understanding of sexual exploitation of children in the humanitarian sector; and the way that humanitarian aid systems, actors, and structures may impact the identification, response, access to service and prevention of child sexual exploitation.

1 Hillis et al. (2016, Mar). *Global prevalence of past-year violence against children: a systematic review and minimum estimates*. (This figure is an estimate and continues to be commonly featured in various publications to illustrate the scale of violence against children. For example, this figure is still referred to by the World Health Organization (WHO), UNICEF, and INSPIRE Working.)

2 *Ibid.*

3 Defined by the International Committee of the Red Cross (2008): “Resort to armed force between two or more States, or protracted armed confrontations occurring between governmental armed forces and the forces of one or more armed groups, or between such organized groups arising in the territory of a State which reaches a minimum level of intensity.” Cited in United Nations Children’s Fund. (2020). *Action to end child sexual abuse and exploitation: A review of the evidence*. UNICEF, New York.; According to *Global Conflict Tracker*, there are 27 currents as of 15 December 2023.

4 Defined by IOM (2004): “A process of moving, either across an international border or within a State. It is a population movement encompassing any kind of movement of people, whatever its length, composition, and causes; it includes migration of refugees, displaced persons, uprooted people, and economic migrants.” Cited in United Nations Children’s Fund. (2020). *Action to end child sexual abuse and exploitation: A review of the evidence*. UNICEF, New York.

5 United Nations Children’s Fund. (2020). *Action to end child sexual abuse and exploitation: A review of the evidence*. UNICEF, New York.

Overview

This case study is one of the three countries of [Sexual Exploitation of Children in Humanitarian Contexts - Global Research](#). It was developed by ECPAT International in collaboration with ECPAT's member [Kenya Alliance for Advancement of Children](#) - a national umbrella body for non-governmental organisations' cooperation and exchange of information on children's rights – conducted the in-country research.

The Kenya case study focused on learning about the refugee population in Kenya and their knowledge of and experiences with sexual exploitation of children. Kenya is a key country for mixed migration flows on all migration routes from East Africa and beyond.⁶ Today, Kenya is home to over 636,000 refugees and asylum seekers from Somalia (51%), South Sudan (26.1%), Congo (9.1%), Ethiopia (5.7%) as well as from Sudan, Rwanda, Eritrea, Burundi, Uganda, Tanzania, and others (8.1%).⁷ The majority of refugees reside in refugee camps (Dadaab and Kakuma) and the rest in urban areas.

The research covered two geographic focus areas – Kakuma refugee camp and the Eastleigh neighbourhood of Nairobi:

- 1. Kakuma refugee camp** is in the northwestern region of Kenya and is home to more than 200,000 asylum seekers and refugees from Sudan, Ethiopia, Somalia, Congo, Burundi, Tanzania, Eritrea, and Rwanda, among other countries.⁸ The camp was established in 1992 following the arrival of the 'Lost Boys of Sudan.'⁹
- 2. Eastleigh neighbourhood of Nairobi** is an urban area home to the majority of the Somali refugees and is colloquially referred to as 'Little Mogadishu.' It has become a well-known commercial area, where the Somali community runs businesses, health facilities, and informal jobs alongside Kenyans in the neighbourhood. Most of these Somali refugees in Eastleigh live without material assistance or legal protection from the Government of Kenya or UNHCR and are known to be vulnerable to police arrest at any time.¹⁰

6 Ramos, M., Njoka, N. (2021, Jul). *Livelihoods of Somali urban refugees in Eastleigh, Nairobi*. School of Advance Study of University of London, Refugee Law Initiative Blog on Refugee Law and Forced Migration.

7 UNHCR Kenya. *Figures at a glance*.

8 Amnesty International. (2023, May). *Kenya: Kakuma refugee camp complex not yet safe for LGBTI refugees*.

9 UNHCR Kenya. *Kakuma Refugee Camp and Kalobeyei Integrated Settlement*.

10 Ramos, M., Njoka, N. (2021 Jul). *Livelihoods of Somali urban refugees in Eastleigh, Nairobi*. School of Advance Study of University of London, Refugee Law Initiative Blog on Refugee Law and Forced Migration.

KAACR country team conducted one-on-one interviews and focus group discussions with a total of 25 key informants (KI) in Kakuma and Eastleigh. The key informants included representatives/staff from local non-governmental organisations, community-based organisations, the Directorate of Children Services, the Ministry of Health, transport companies, and sexual and gender-based violence units in hospitals. Key informants also included a sex worker, police officers, a filmmaker producing stories about the issue for an international non-governmental organisation, community leaders, community health volunteers, boda boda drivers (motorbike taxis), women's rights activists, and a paralegal. Interview summaries were analysed by the consultant, and the ECPAT research team with the in-country researchers.

The case study is a summary of the key findings from in-country qualitative research and does not represent an exhaustive country overview and analysis.

Country Legislation about Child Sexual Exploitation

In Kenya, the Constitution ensures the protection of every child from various forms of abuse, including sexual exploitation. According to the Constitution of Kenya, Article 53(1) (d), children are entitled to be protected from abuse, neglect, harmful cultural practices, violence, inhuman treatment, punishment, and hazardous or exploitative labour.¹¹

Furthermore, Kenya's Sexual Offences Act defines a child as anyone below the age of 18 years. It explicitly prohibits sexual intercourse with a child, regardless of the child's consent.¹² Offenders are charged with the offence of defilement, which carries severe penalties depending on the age of the child. For instance, individuals convicted of defiling a child aged 11 years and below face life imprisonment.¹³ Similarly, perpetrators who engage with children aged between 12 and 15 years may be imprisoned for twenty years or more.¹⁴ Even for children aged 16 to 18 years, offenders can face imprisonment for fifteen years or more under this legislation.¹⁵ The same Act includes provisions for indecent assault with a child, carrying a minimum sentence of ten years' imprisonment.¹⁶ Additionally, offences related to child sexual abuse and exploitation involving the sale, distribution, or exhibition of obscene material depicting a child, are punishable by a minimum of six years' imprisonment and a fine of not less than five hundred thousand shillings.¹⁷

11 Republic of Kenya. (2010). *The Constitution of Kenya 2010*, Article 53(1)(d).

12 Republic of Kenya. (2006). *The Sexual Offences Act No. 3 of 2006*. Section 8(1).

13 *Ibid.* Section 8(2).

14 *Ibid.* Section 8(3).

15 *Ibid.* Section 8(4).

16 *Ibid.* Section 11.

17 *Ibid.* Section 16.

Main Difficulties and Challenges for Refugee Communities

All key informants noted that the refugee communities are facing more insecurities and vulnerabilities including:

- Illegal status of refugees: Lack of documentation results in lack of services, inability to own businesses, as well as parents having to sexually exploit their children to avoid arrests from the police.
- Higher rates of poverty and overall economic and job insecurity (*“documented refugees only supported with basic needs”*).
- Aid dependency: Refugee communities are dependent on humanitarian and government services and food to cover their basic needs. However, the number of humanitarian services does not meet the continued needs (*“WFP decreased level of food rations; agency support is cyclical and minimal”*) and government assistance and support services do not fill the gaps or meet the overall needs of the refugee community.
- Social and familial insecurity (rise of separation and divorce; child-headed households; parental and child drug addiction; large families and parental neglect).
- As a result of the influx of money generated by the trade, especially in smuggled goods, children from refugee backgrounds are more vulnerable to sexual exploitation, trafficking, and forced labour as perpetrators are attracted to the vulnerability of refugee children and their families, who may lack adequate protection and support.
- Poorer education outcomes, school dropout, and illiteracy due to displacement and precarious living conditions.

However, the impact of the crisis is not only evident on the refugee communities but also on the host communities as reported by key informants, who are facing difficulties accessing services, and sexual exploitation of children has also been reported in host communities, particularly around Kakuma camp.

The Rise of Sexual Exploitation of Children

The displacement and ensuing insecurities are having a direct adverse impact on children's overall well-being and resulting in them engaging in dangerous, exploitative activities. Key informants all reflected on the fact that the increased socio-economic vulnerabilities and breakdown of the social fabric of the refugee communities have led to a rise of economic and sexual exploitation of refugee children.

Various forms of child sexual exploitation have been reported by the key informants including:

- Child labour, particularly domestic work for girls; boys also work in various small businesses, including transport, and both genders are exposed to sexual exploitation while working, with very limited opportunities to report the abuse;
- Children exploited in prostitution – this can take the form of survival sex as a negative coping mechanism to cater for their own and their family's needs (*"children engaged in their own sexual exploitation"*); other instances of grooming into prostitution or exposure to sexual exploitation as a result of the mother's engagement in sex work have been reported;
- Child and temporary marriages to facilitate resettlement have been reported. This includes customary marriage with (Somali) tourists who stay in Kenya for less than three months and resort to marriage due to tradition not allowing for sexual relationships outside of wedlock. These marriages are officialised by religious/customary leaders but often lead to false promises and abandonment;
- Trafficking of children – cases of children escaping crisis in neighbouring countries and travelling to, or taken to, Kenya in the hope for an education but ending up in exploitative domestic work situation resulting in sexual exploitation by the employer, with little opportunity to report the cases due to lack of formal documentation;

- Online sexual exploitation of children – anecdotes of possible cases of technology-facilitated child sexual exploitation have been reported, although very limited information is available on the issue. These include sexual relationships facilitated through social media platforms when the child meets the adult in person; or one case of a mother reported to have recorded sexual abuse of her children and posted on social media to attract men. Incidents of the use of child sexual abuse materials for financial extortion were also reported and key informants shared concerns about the unsupervised exposure of children to inappropriate materials which is facilitated by the lack of Internet literacy by their carers.

“Sexual exploitation permeates communities, perpetuates cycles of poverty, and erodes the fabric of society.”

– Kenya, KI

Reported case of technology-facilitated child sexual exploitation

One interviewee reported about a case of a refugee girl who met a foreign man over the Internet who came to Kenya to legally bind their marriage. For the girl, this represented an opportunity to leave the country and move to Ghana to live with her husband. After a couple of months, the husband relocated to Canada and left the girl in the care of his three brothers who sexually exploited her. She was able to receive assistance and returned to Kenya to stay with her family.

Which Children are in Particularly Vulnerable Situations to Sexual Exploitation?

The key informants noted that while most children can be vulnerable to sexual exploitation, girls between the ages of 13-18 (although cases as young as 10) are the most at risk. A number of informants reported instances of boys subjected to sexual exploitation but recognised that these cases are seldom reported due to stigma and shame whereby *“many cases go unreported as the victim will be viewed as weak”*. In the out-of-camp context in Eastleigh, various key informants reported high prevalence of drugs, and boys being used to traffic drugs, or consumers, leading to *“increased cases of sexual exploitation of children.”* Limited information could be gathered on the LGBTQI+ children although one informant recognised the existence of child sexual exploitation within the LGBTQI+ community but reported that *“It is very secretive. This is because of the stigma and religious beliefs that forbid it.”* While the exploitation of children is present in the host community, it is higher among the refugee community due to their heightened vulnerabilities.

Although there are differences between communities, it is frequently reported that girls are not considered as children anymore once they start puberty and can then be married. Puberty for boys is also a marker of transition to adulthood although less evident. A common understanding across informants is that due to crises, children are expected to support their family from an early age, not necessarily aligned with the legal definitions of childhood.

The children who have experienced sexual exploitation and violence are traumatised, discriminated against, stigmatised, and marginalised. Sexual exploitation can lead to early pregnancy, dropping out of school, and there are even cases of suicide. The children and young people are not necessarily believed and supported and are often blamed.

“Society places blame on victims, rather than the perpetrator and the tactics they use, need to shift this framing.”

- Kenya, KI

Who are the Perpetrators and Intermediaries?

Key informants noted that the perpetrators can either be family and community members or men with power and money: businessmen, police officers, teachers, government officials, tourists, foreigners, and teachers in religious schools.

"Businessmen in the community are the primary customers. They are protected by the police as they pay their way out."

- Kenya, KI

Sexual exploitation is facilitated by intermediaries or middlepersons such as family members, teachers, transporters (boda boda drivers and others in the transport industry), pimps, traffickers and organised crime syndicates. Police officers can also serve as intermediaries or in covering up the sexual exploitation of children (by receiving a 'protection fee' from the exploiters). A number of informants referred to women and particularly older women acting as intermediaries or running a 'brothel' within the camp.

"One informant indicated that the number of cases reported of children who are survivors ranges from 10 to 15 per year. There was a clear indication that most of the survivors are assaulted by people who are well known to them. There are cases of children who are sexually assaulted by persons within the family set up to include uncles, brothers and stepfathers."

- Kenya, KI

One key informant referred to a case of a 16-year-old girl sexually exploited in a brothel operating in the camp and became pregnant. The case was reported to community leaders but *"once the girl is questioned, she gets very hostile and does not want the perpetrators to be prosecuted."* Considering the profile of perpetrators and intermediaries who are described as powerful in the community, it appears that cases of child sexual exploitation are seldom reported.

Key informants also highlighted that recently technology with the Internet, and its accessibility and affordability, is playing a role in facilitating the sexual exploitation of children. The unregulated and unmonitored use of social media platforms by children (of all ages) provides easy access to perpetrators in identifying and grooming children in particularly vulnerable situations, and carers are usually ill-equipped to be able to support their children in safely navigating the web.

The role of drivers in the transport sector

"A case of a teacher who organised the transport of three girls aged between 16 to 17 to a special premises identified as "nyumba ya mathe" was reported. At first, the driver didn't know the reasons for the girls being taken there, he was issued with instructions to drop them off and later on to pick them up late in the night. Upon going to pick them up, he was informed by neighbours that the house is used as a brothel where young girls are taken advantage of. The driver was reluctant to pick up the girls as he was afraid of being implicated in such cases. For fear of possible repercussions, the driver did not inform anyone about the incident that took place. He informed his employer (owner of the transport company) three months later to stop taking business from the teacher again."

- Kenya, KI

Challenges in Reporting

In general, child sexual exploitation cases in the refugee communities are unreported *“due to the stigma associated with reporting and fear of the consequences.”* The cases tend to be handled by local elders and traditions, customary mechanisms, particularly among the Somali refugee communities (e.g. *Maslaha* which is a form of alternative dispute resolution based on Islamic law).

For the rare cases that are reported, they are *“rarely prosecuted, and justice is not served.”* Child sexual exploitation cases are difficult to prosecute, in many cases children are reluctant to testify, or cases are mismanaged due to deep-rooted corruption (among police and local businessmen) and overall, there is a significant lack of accountability of perpetrators. According to one key informant in Kenya, *“police don’t prosecute because they are involved in the vice.”* Additionally, another key informant noted, *“the threshold for proving criminal cases in Kenya is very high. It is the burden of the prosecution to prove matters.”* One informant reported two cases prosecuted within five years, including one case for running a brothel, both resulting in acquittal. *“There have been instances where accused persons who have been involved in the exploitation of children are acquitted as a result of lack of enough evidence to secure a conviction.”*

“There are very few people including children who want to report such cases for authorities to take action. There is a lot of victimisation especially from the refugee community on persons who report such cases to the authorities [...]. They are afraid of reporting as they would not know where to go if such cases are not successfully prosecuted.”

- Kenya, KI

In addition, cases are often very lengthy, and children and families fear retaliation and the long-term impact on their families. Barriers such as the lack of documentation of refugees, language barriers and a general feeling of helplessness contribute to the lack of reporting.

Humanitarian Support Services, Networks and Mechanisms for Children and Families

Key informants noted that there are some medical, psychological, child protection, support and hotline counselling services provided by non-government and government entities for victims of sexual exploitation. However, there are profound gaps in services, particularly government services that are available. Existing providers and frontline workers in the referral pathway have limited capacity and lack the needed skills (including counselling, investigative, mental health) and resources to support child sexual exploitation cases. One informant from the government recommended that *“the office (in charge of child protection) should be having its own vehicle to rescue the children as the government cars are always in constant use.”*

“The primary focus of refugee agencies is refugee documentation, not child protection.”

- Kenya, KI

Key informants highlighted that the humanitarian aid system continues to be constrained by the lack of coordination of systems, data, and services:

“The lack of coordinated support system and inadequate support from agencies also contribute to the challenges in addressing child protection issues effectively.”

- Kenya, KI

“Lack of coordination among humanitarian child protection agencies, view each other as competitors rather than partners.”

- Kenya, KI

While the focus of many refugee organisations is on documentation, key informants noted that the lengthy processes of refugee documentation can further expose children to sexual exploitation in refugee settings.

While the role of the Kenyan government is recognised as important in ensuring this collaboration, limited resources and data are identified as important limitations. *“The sub-county children officer, with adequate resources, can play a vital role in ensuring collaboration among these agencies. The lack of data-sharing among child protection agencies due to under-reporting or incomplete reporting of cases impacts the accuracy of available information and results in slow or inappropriate interventions.”* - Kenya, KI.

Recommendations for Next Steps

Key informants in Kenya outlined several recommendations of key actions that humanitarian and non-humanitarian stakeholders (government, law enforcement, agencies, non-governmental organisations, communities, technology companies, and individuals) can take to prevent and respond to the growing sexual exploitation of children in Kenya:

- 1. Awareness and Education:** Train frontline workers about the manifestations and changing trends of child sexual exploitation, related risks and consequences, and the rights of children within the community.
- 2. Community Engagement:** Involve community members, leaders, and elders in discussions and initiatives to combat child sexual exploitation.

- 3. Legal Measures:** Advocate for stronger legal frameworks that protect children's rights and hold perpetrators accountable as well as stronger refugee legal frameworks. Access to justice for child victims of sexual exploitation must be strengthened and victims should be provided with adequate support and victim compensation.
- 4. Support Services:** Establish safe spaces/shelter, legal assistance, counselling, and survivor-centred support services for children who have been sexually exploited.
- 5. Preventive Measures:** Comprehensive sex education; awareness campaigns; safe reporting mechanisms should be in place and accessible to children and families.

All actions must be rooted in a multi-sectoral approach:

"Variety of perpetrators, intermediaries and community perceptions contribute to the complexity of the problem. Addressing the issue demands a multi-faceted approach that involves strengthening protection mechanisms within camps, raising awareness about the rights of children, providing safe reporting channels, and fostering cooperation between humanitarian organisations, local authorities, and community."

- Kenya KI

6. Livelihood Opportunities: Provide income-generating activities (including cash transfers) for parents and guardians to reduce their reliance on negative coping mechanisms, including child labour and children's engagement in family survival strategies.

7. Reporting Mechanisms: Create channels for reporting sexual exploitation cases, ensuring confidentiality and protection for whistleblowers and robust, accountable response systems.

8. Challenge Harmful Societal Perceptions and Stigma against all victims of child sexual exploitation with particular stigma concerning boys and LGBTIQI+ children.

9. Stronger Collaboration Mechanisms between various services.

10. Safer Online Environment for Children: Align with existing international and national systems and processes addressing the role of digital technology in facilitating child sexual exploitation and abuse. By contributing contextual insights and knowledge to the design of digital safety policy and products, the humanitarian sector can inform the work of technology companies, law enforcement agencies and advocacy groups in relation to child protection in digital environments.

"To combat this issue, we must challenge societal perceptions that blame victims and instead hold perpetrators accountable. By exposing the roles of intermediaries and addressing the various backgrounds of perpetrators, we can create a more informed, compassionate society that actively works to prevent and intervene in cases of sexual exploitation."

- Kenya, KI



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